

Board of Adjustment Agenda

February 19, 2015 – 5:00 pm

Council Auditorium

City Hall, 103 N. Perry St.

BOARD OF ADJUSTMENT MEMBERS

John Stanley, *Chairman*

K. T. Brown, *Vice-Chairman*

Beau Holmes

George C. Howell, Jr.

Steve Hughes

Bart Prince

Pickett Reese

Jennifer Shaw

Ida Jean Watkins

**Planning Controls Division
25 Washington Ave., 4th Floor
Montgomery, AL 36104
(334)625-2722**

- I. **Chairman's Message**
- II. **Approval of Minutes from the December 18, 2014 meeting**

January 15, 2015

<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
1.		City of Montgomery		8790 Vaughn Road (AT&T Cell Tower)	1
2.	1980-157	Elvyn L. Hamilton	O-2	2525 East South Boulevard (Church – special exception)	2
3.	2015-014	J. F. Thomas & Sons	R-75-s	1636 St. Elizabeth Square (Coverage variance and special exception for sanitary facilities)	3
4.	2015-013	Eric T. Surles	R-60-d	1137 Oak Street (Addition - side yard variance)	4
5.	2015-021	Baptist Throne Baptist Church	R-75-s	4377 Richardson Road North (Church – special exception)	5
6.	2015-011	House to House	R-60-d	1757 – 1773 Oak Street & 956 Alexander Street (Variances for new dwellings)	6
7.	2015-012	Ernest F. Tillery Jr.	R-100	3122 Overlook Drive (Privacy Fence)	7
8.	2015-016	Rev. Wallace L. Noble	R-75-s	2780 South Wallace Drive (Church – special exception)	8
9.	2015-018	Jeremy Kelly	R-75-m	2440 Price Street (Lot area variance)	9
10.	1981-258	Branch Communications	O-1	220 Ann Street (Cell tower – special exception)	10
11.	2015-020	ECE Surveying & Design	M-3	Stokes Road (Auto salvage yard – special excep)	11
12.	2015-019	Goodwyn, Mills & Cawood	R-65-m	101 South Burbank Drive (Front and rear yard variance)	12
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14.	2015-017	Edward Anderson	R-65-d	1825 Crouson Street (Lot area variance)	14
15.	2015-022	Linda Taylor-Smith	O-2 & B-3	2601 East South Boulevard (Church – special exception)	15

III. Proposed Changes to Bylaws

The next Board of Adjustment meeting is on March 19, 2015

1. Resolution Assenting to Entry of Consent Decree

PRESENTED BY: City of Montgomery

REPRESENTING: Board of Adjustment

SUBJECT: A public hearing requesting authorization to file a joint motion to enter consent order between New Cingular Wireless, PCS, LLC d/b/a AT&T Mobility and the City of Montgomery, Board of Adjustment, granting a special exception to A&T for a wireless telecommunications tower at 8790 Vaughn Road.

REMARKS: This resolution will authorize the filing of the joint motion to enter consent order and entry of this Consent Order ordering that the Board of Adjustment grant a special exception to AT&T authorizing use of the Wynlakes Site as a telecommunications facility for purposes of constructing a 160 ft. monopole wireless telecommunications tower at 8790 Vaughn Road

COUNCIL DISTRICT: 8

COMMENTS _____

ACTION TAKEN: _____

RESOLUTION NO. _____

**A RESOLUTION ASSENTING TO ENTRY OF
CONSENT DECREE**

WHEREAS, AT&T Mobility filed an application with the City of Montgomery Board of Adjustments seeking a special exception and authorizing AT&T to use a piece of property located 8790 Vaughn Road for a new wireless telecommunication facility; and

WHEREAS, the Board of Adjustments voted to deny the application; and

WHEREAS, AT&T Mobility subsequently filed a civil lawsuit in the Federal District Court for the Middle District of Alabama; and

WHEREAS, after further consideration, the Board of Adjustments has determined it is in their best interest, and the best interest of the citizens of the City of Montgomery to grant AT&T Mobility's Special Exception application

NOW THEREFORE, be it resolved by the Board of Adjustments of the City of Montgomery, Alabama, it assents to entry of a consent decree ordering the Board of Adjustments to grant AT&T Mobility's Special Exception Application.

ADOPTED AND APPROVED this the ____ day of _____,
2015.

APPROVED: _____

LA

2. BD- 1980-157 **PRESENTED BY:** Elvyn L. Hamilton

REPRESENTING: Same

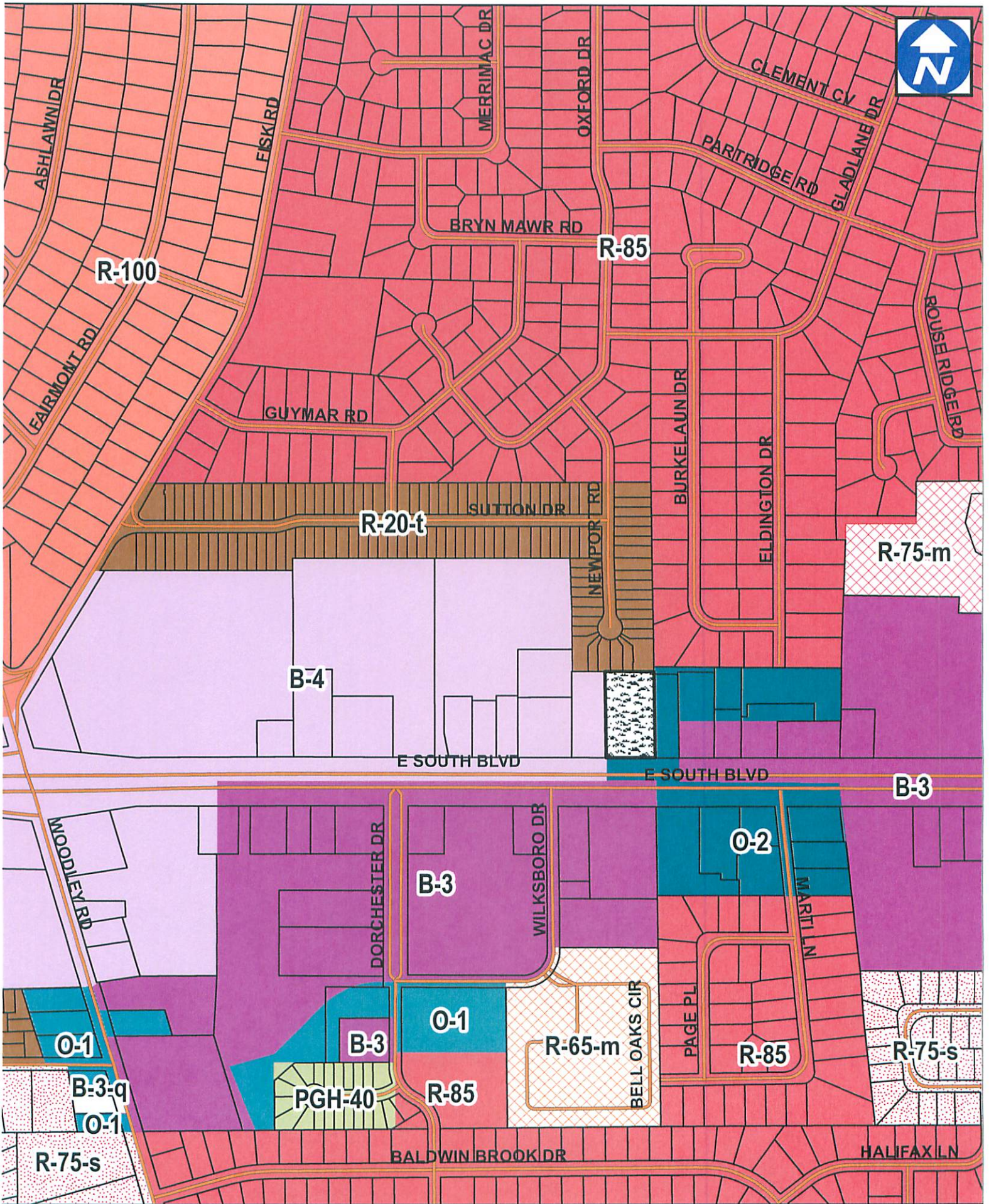
SUBJECT: Request a special exception for church use in a portion of a building located at 2525 East South Boulevard in an O-2 (Office) Zoning District.

REMARKS: This request is being made to give the petitioner permission to use a portion of the building for church services. Service times will be on Sunday, 10:00 a.m., and Monday, 6:00 p.m. The petitioner has indicated that the church will be the only occupant of the building during their times. There are 26 paved parking spaces onsite, which exceeds the requirement of 20 spaces for the 100 member congregation.

COUNCIL DISTRICT: 5

COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 500 feet

Item 2A



Proposed Church

SITE 

1 inch = 100 feet

Item 2B

3. BD-2015-014 **PRESENTED BY:** J. F. Thomas & Sons Construction

REPRESENTING: Tim Doles

SUBJECT: Request a coverage variance and a special exception to maintain sanitary facilities in an existing accessory structure located at 1636 St. Elizabeth Square in an R-75-s (Single-Family Residential) Zoning District.

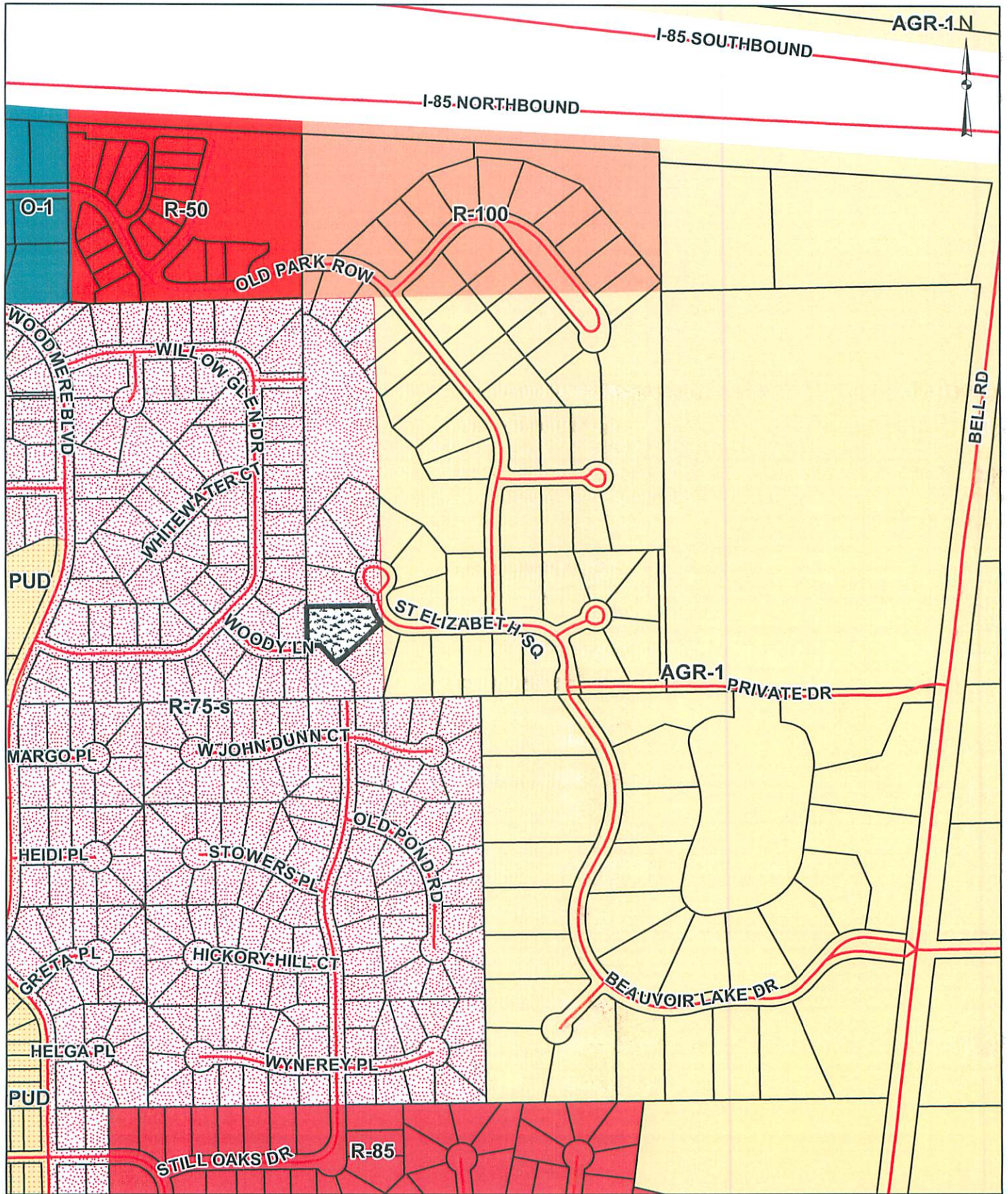
REMARKS: This request is being made to give the petitioner permission to maintain sanitary facilities in an existing two-story accessory structure. This residence and accessory structure was recently constructed, and during the final inspection is when the sanitary facilities were discovered without property approval. The first story is a 2 car garage, and the second floor is a bonus room with the sanitary facilities. The accessory structure is 854 sq. ft., whereas 675 sq. ft. is allowed.

The requests are a 179 sq. ft. coverage variance and a special exception to maintain sanitary facilities in the existing accessory structure.

COUNCIL DISTRICT: 9

COMMENTS _____

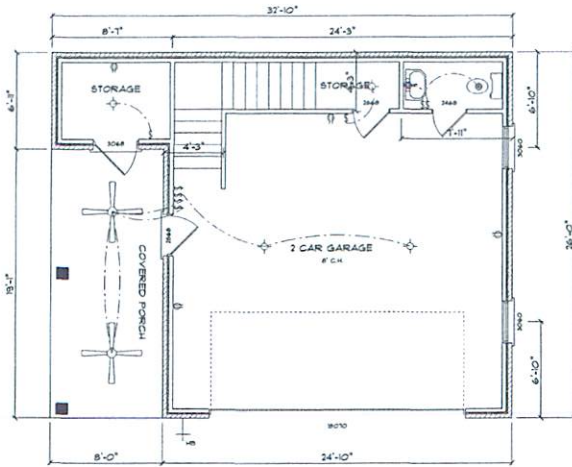
ACTION TAKEN: _____



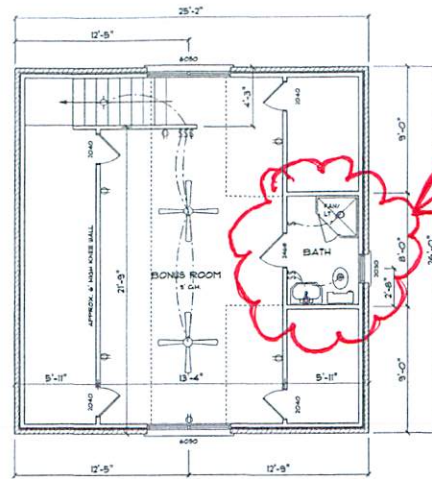
Site Location 

1 inch = 400 feet

Item No. 3A



FIRST FLOOR GARAGE

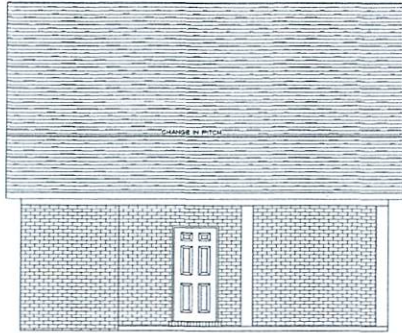


SECOND FLOOR GARAGE

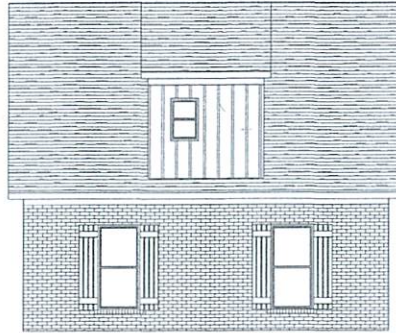
SQUARE FOOTAGES	
GARAGE/STORAGE	700 SF
PORCH	151 SF
LIVING	333 SF
TOTAL	1284 SF

sanitary facilities

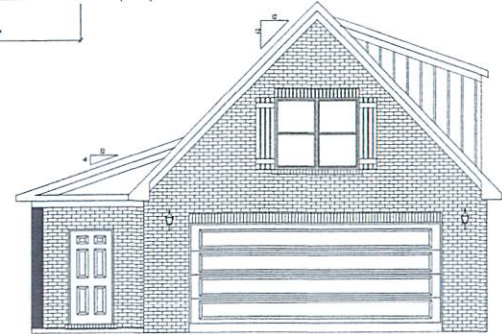
3B



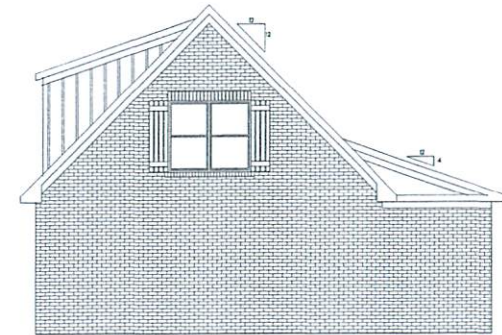
LEFT ELEVATION



RIGHT ELEVATION



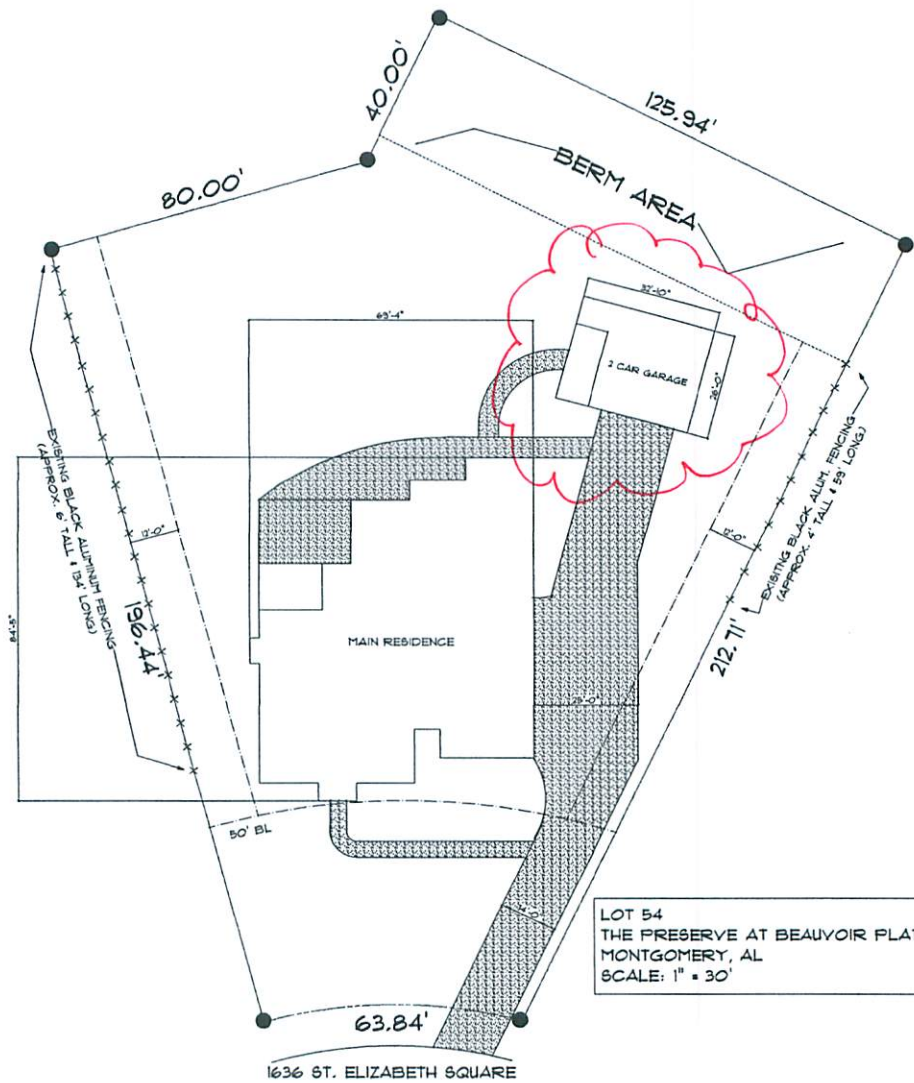
FRONT ELEVATION



REAR ELEVATION

SCALE 1/4" = 1'-0"
 DATE August 18, 2014
 DRAWN BY
 REVISION
 APPROVED
 DRAWING#

LOT 54 BEAUVOIR - 1636 ST. ELIZABETH SQUARE



LOT 54
 THE PRESERVE AT BEAUVOIR PLAT #1
 MONTGOMERY, AL
 SCALE: 1" = 30'



SITE 

1 inch = 100 feet

Item 3D

4. BD-2015-013 **PRESENTED BY:** Eric T. Surles

REPRESENTING: Same

SUBJECT: Request a side yard variance for an existing addition to a dwelling located at 1137 Oak Street in an R-60-d (Duplex Residential) Zoning District.

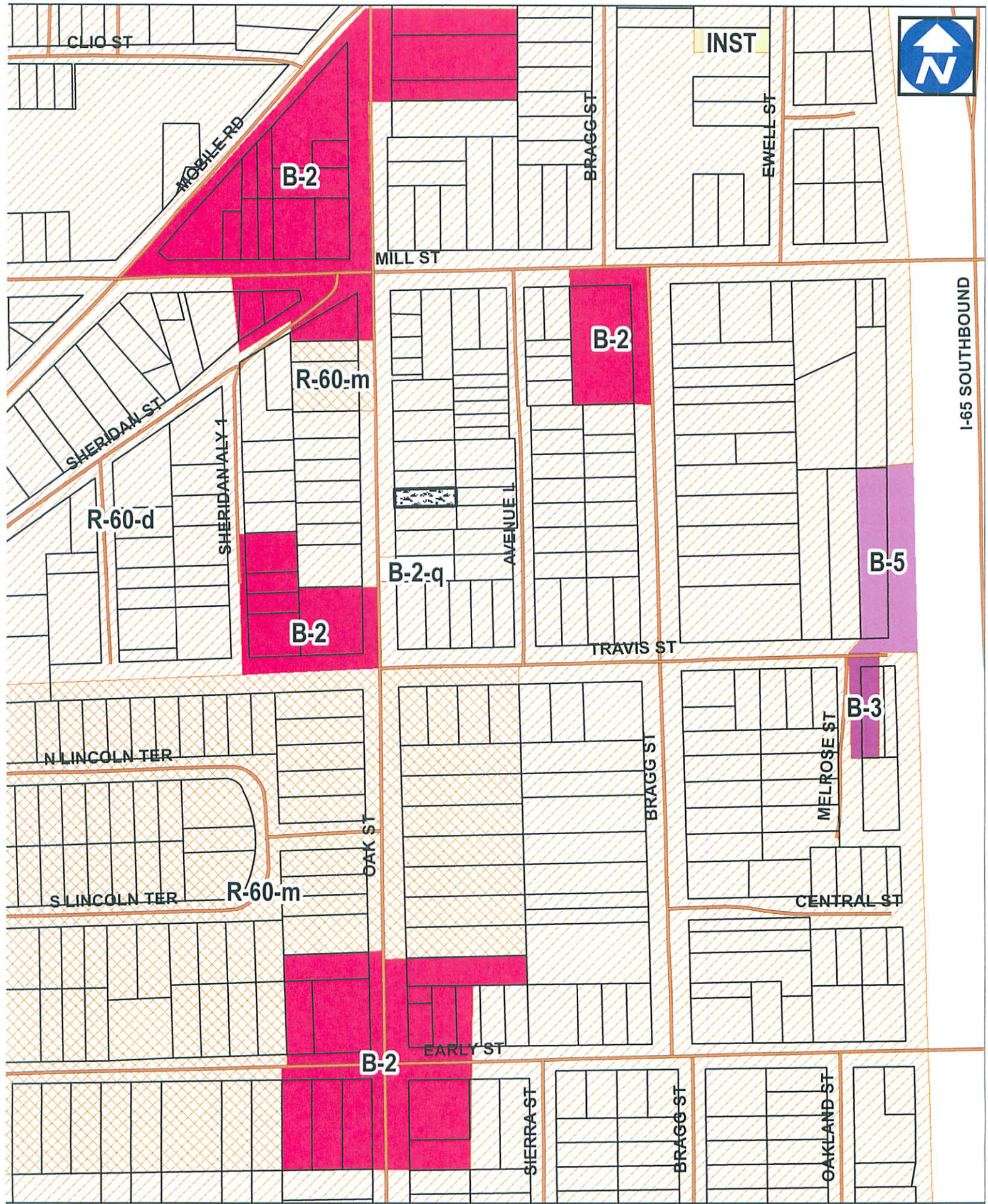
REMARKS: This request is being made to give the petitioner permission to maintain an addition that comes within 2 ft. of the side property line, whereas 5 ft. is required for this substandard lot.

The request is a 3 ft. side yard variance.

COUNCIL DISTRICT: 4

COMMENTS _____

ACTION TAKEN: _____



I-65 SOUTHBOUND

SITE 

1 inch = 200 feet

Item 44A



Site Location 

1 inch = 50 feet

Item No. 4B

5. BD-2015-021 **PRESENTED BY:** Baptist Throne Baptist Church

REPRESENTING: Same

SUBJECT: Request a special exception for church use in a building located at 4377 Richardson Road North in an R-75-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to use a 2.7 acre lot for church use. Service times will be Sunday (Sunday School), 9:00 a.m. – 10:00 a.m., Sunday Worship, 10:30 a.m., and Wednesday (Bible Study), 7:00 p.m. – 8:00 p.m. There will be 40 parking spaces onsite (15 spaces in front and 25 spaces in the rear) for the 200 seat sanctuary.

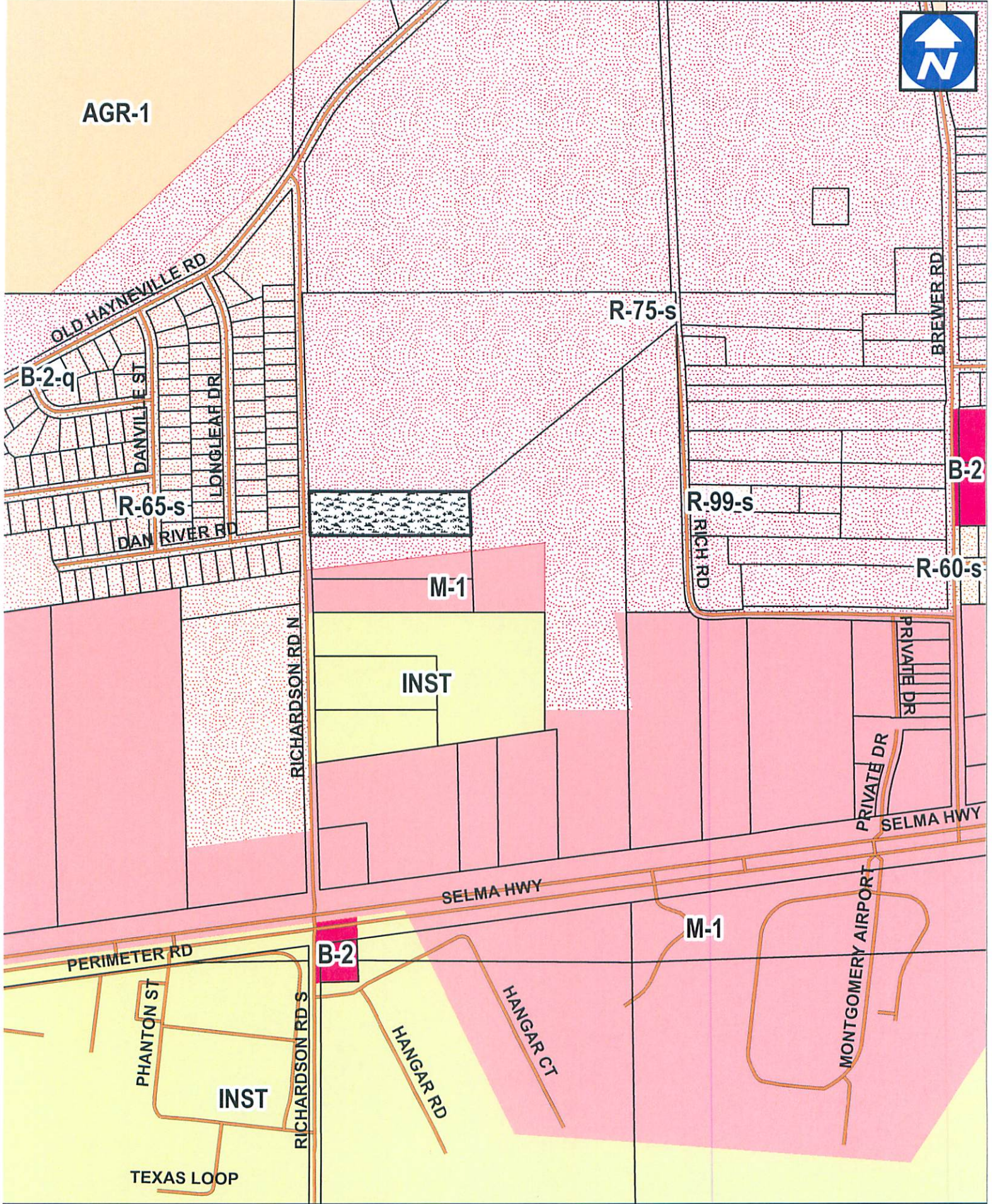
COUNCIL DISTRICT: 4

COMMENTS _____

ACTION TAKEN: _____



AGR-1



SITE 

1 inch = 500 feet

Item 5A



Proposed Church

SITE 

1 inch = 200 feet
Item 5B

6. BD-2015-011 **PRESENTED BY:** House to House

REPRESENTING: Same

SUBJECT: Request a front yard variance, street side yard variance, rear yard variance, and variance to off-street parking requirements for new dwellings that will be located at 1757, 1761, 1765, 1769 & 1773 Oak Street and 956 Alexander Street in an R-60-d (Duplex Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct six (6) new dwellings that will come within 10 ft. of the front property line, whereas 20 ft. is required.

- Unit A – 1757 Oak Street
- Unit B – 1761 Oak Street
- Unit C – 1765 Oak Street
- Unit D – 1769 Oak Street
- Unit E – 1773 Oak Street
- Unit F – 956 Alexander Street

Unit E will come within 8 ft. of the street side property line (Alexander Street), whereas 20 ft. is required, and will come within 16 ft. of the rear property line, whereas 20 ft. is required. Units C, D & E will not have off-street parking, whereas one (1) parking space is required for each dwelling unit. There is adequate parking available for all units within this development. All of the lots are legal non-conforming in regards to the required lot area.

The following variances are requested:

- All Units – 10 ft. front yard variance
- Unit E - 12 ft. street side yard variance and 4 ft. rear yard variance
- Units C, D & E – one (1) space parking variance to not provide onsite parking.

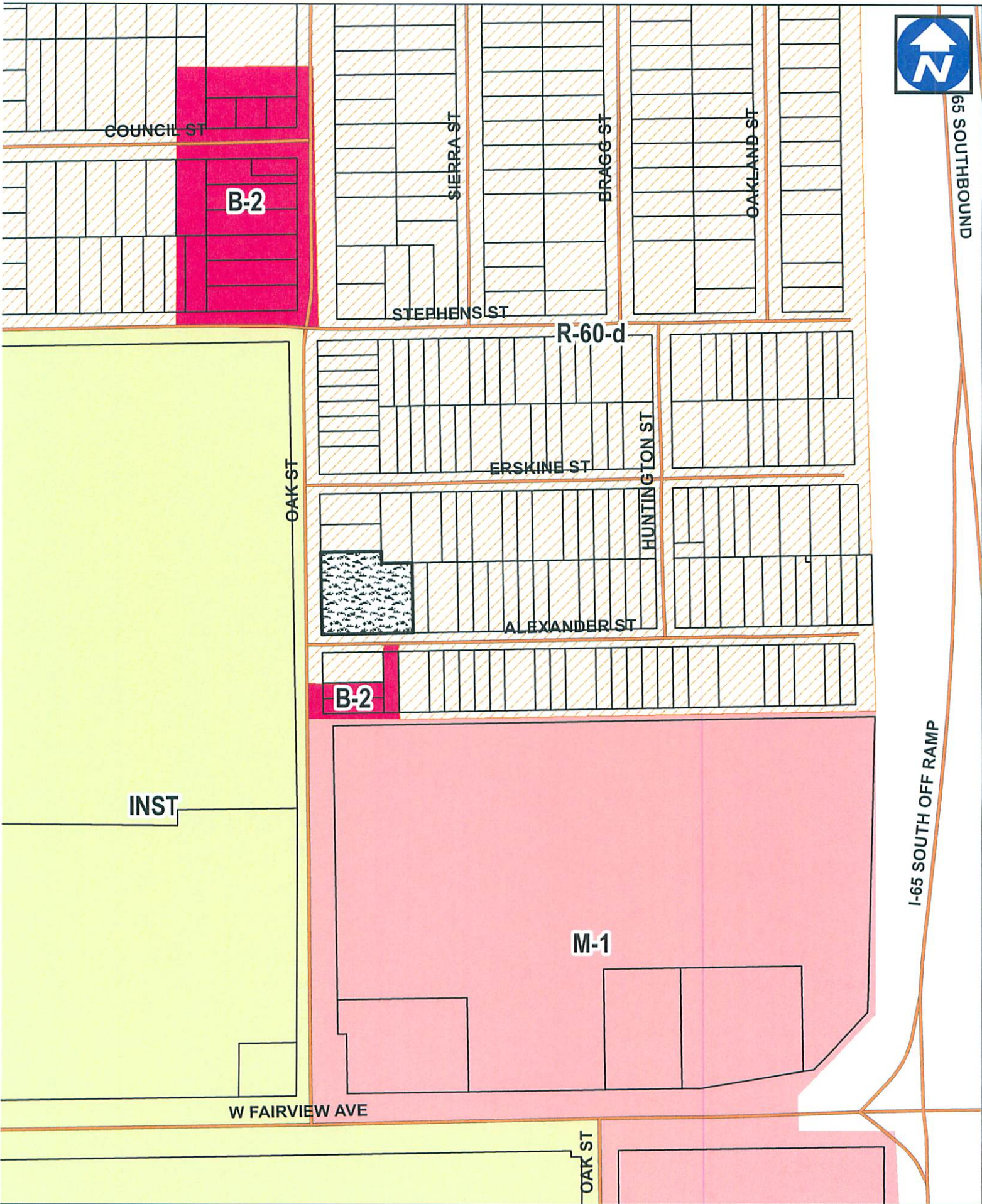
COUNCIL DISTRICT: 4

COMMENTS _____

ACTION TAKEN: _____



65 SOUTHBOUND

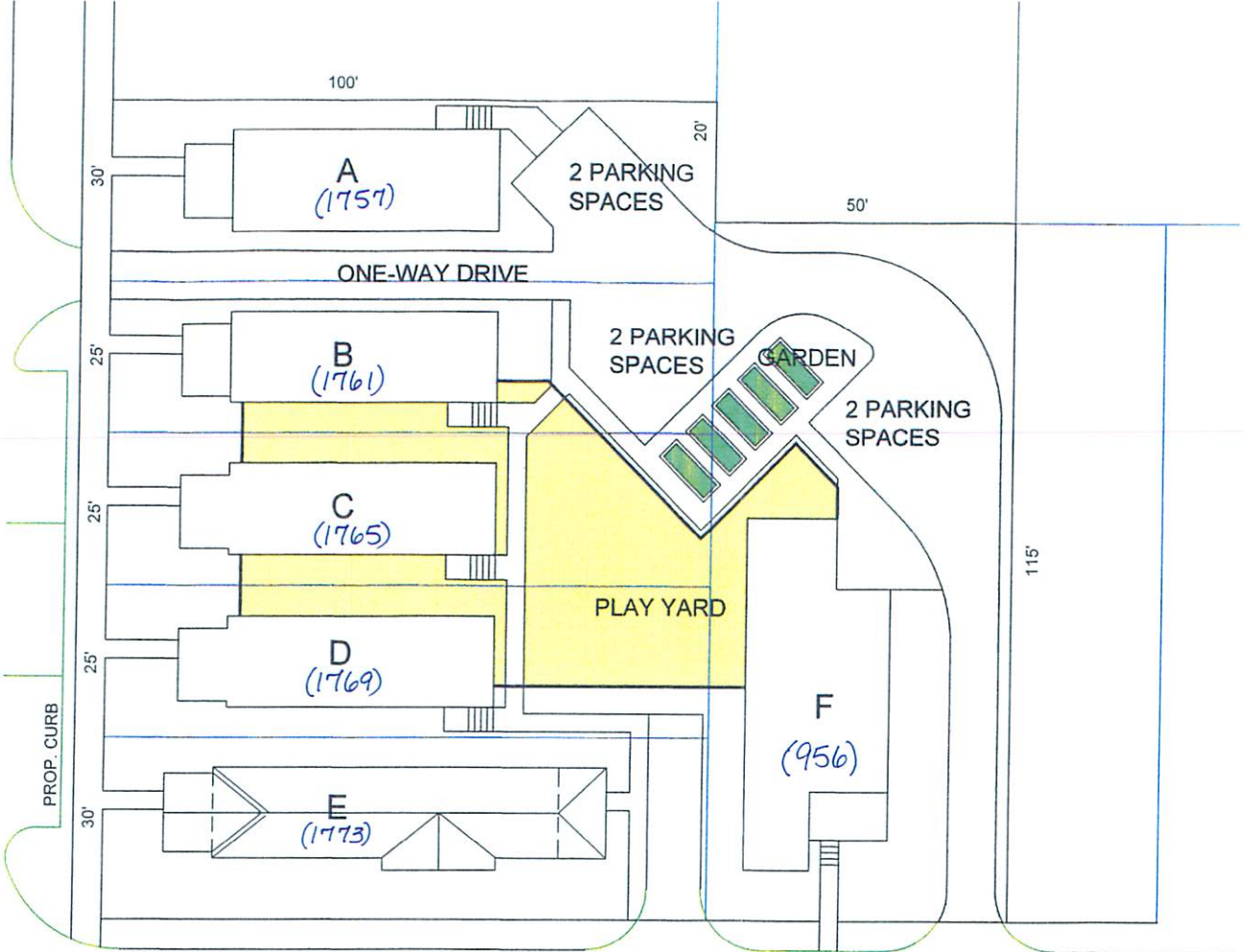


SITE 

1 inch = 200 feet

Item 6A

6B



N

 SCALE: 1" = 40'
 SIX NEW HOMES

- FEATURES:
- 7 OFF-STREET PARKING SPACES
 - COMMON FENCED PLAY AREA
 - COMMUNITY GARDEN AREA

- PROPOSED UNIT DATA:
- A - 3BR 850SF
 - B - 2BR 600SF
 - C - 2BR 600SF
 - D - 2BR 600SF
 - E - 2BR 850SF
 - F - 4BR 1,200SF

ALEXANDER STREET



PH. 334-649-1534
 P.O. BOX 5142
 MONTGOMERY, AL 36103
 MARCH 11, 2013
 Project Address: 1757-1773 Oak Street
 and 956 Alexander Street



SITE 

1 inch = 50 feet

Item 6C

7. BD-2015-012 **PRESENTED BY:** Ernest F. Tillery Jr.

REPRESENTING: Same

SUBJECT: Request a front yard variance and a street side yard variance for an existing and proposed privacy fence to be located at 3122 Overlook Drive in an R-100 (Single-Family Residential) Zoning District

REMARKS: This request is being made to give the petitioner permission to maintain an existing privacy fence (indicated by a yellow line on aerial map) that comes within 5 in. up to 1 ft. 9 in. of the street side property line (Coliseum Boulevard), whereas 35 ft. is required. A proposed extension of the fence (indicated by a blue line on aerial map) will come to the front property line (Overlook Drive), whereas 35 ft. is required.

This item came in as a complaint of the fence possibly being on city right-of-way. The City Engineering Department's survey crew marked the right-of-way and it was determined that a portion of the fence was on city right-of-way on both Coliseum Boulevard and Overlook Drive. The petitioner removed that portion of the fence.

The requests are a 34 ft. 7 in. street side yard variance and 35 ft. front yard variance.

COUNCIL DISTRICT: 2

COMMENTS _____

ACTION TAKEN: _____



INST

SWEETEN CREEK RD

STRATTON CT

R-75-m

WHITEHALL PKWY

PRINCESS ANN ST

OVERLOOK DR

R-85

PINEHAARDT DR

WHITEHALL ST

COLISEUM BLVD

FH

PINEHILL RD

R-24-t

R-100

B-2

SUMTER AVE

DAL RAIDA PKWY

O-1

R-75-m

CLIFF RD

BILTMORE AVE

MAYFAIR RD

B-5

PIERCE ST

ASHLEY AVE

SITE

1 inch = 300 feet

Item 7A



OVERLOOK DR

COLISEUM BLVD

Proposed privacy fence

1 ft. 9 in. off PL

Existing privacy fence

5 in. off PL

SITE

1 inch = 30 feet

Item 7B

8. BD-2015-016 **PRESENTED BY:** Rev. Wallace L. Noble

REPRESENTING: Refuge Temple A.M.E. Zion

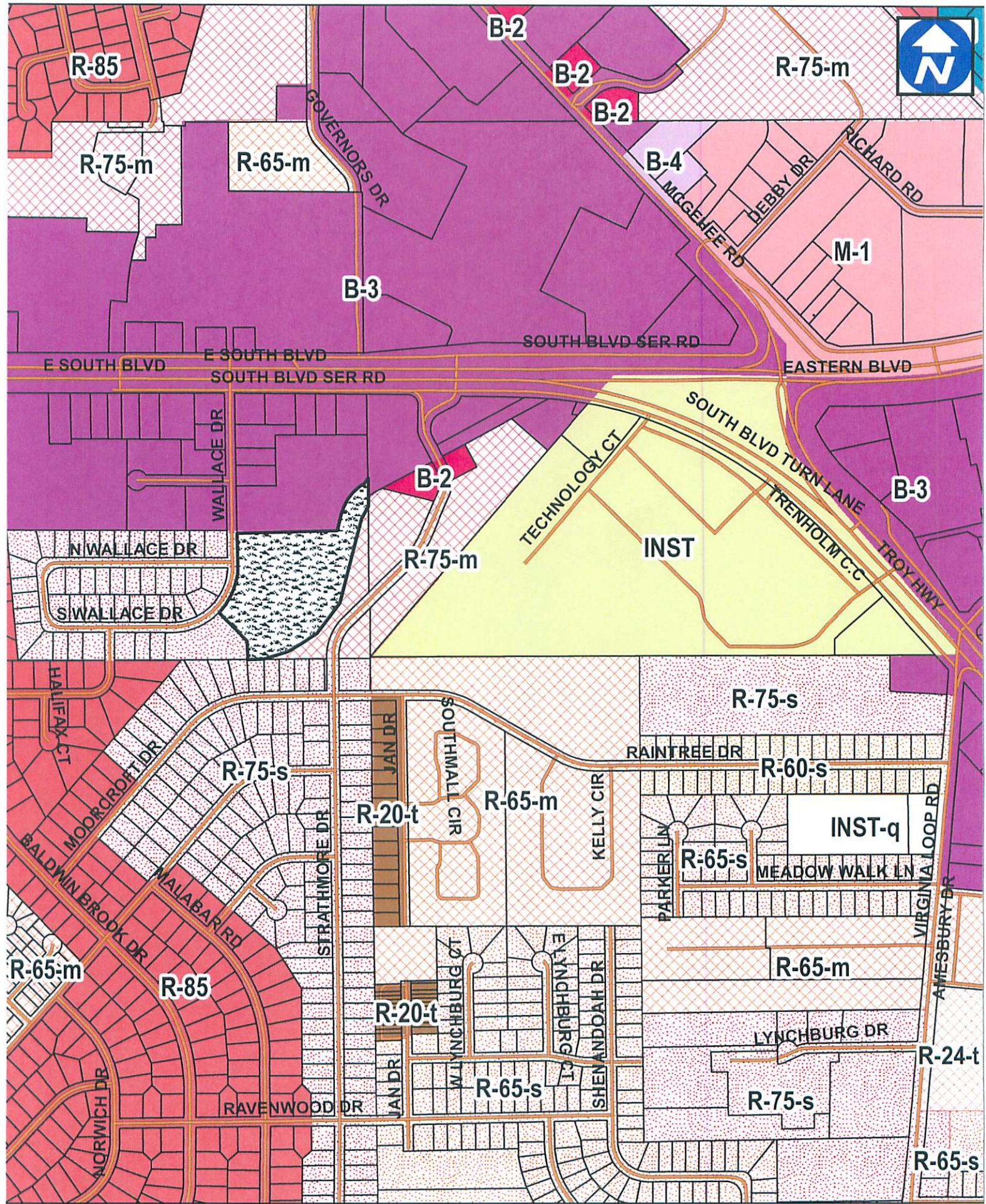
SUBJECT: Request a special exception for church use on lot located at 2780 South Wallace Drive in an R-75-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to use a 7.5 acre parcel of land for church use. A master plan will be submitted at a later date.

COUNCIL DISTRICT: 6

COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 600 feet

Item 8A



Site Location 

1 inch = 200 feet

Item No. 8B

9. BD-2015-018 **PRESENTED BY:** Jeremy Kelly

REPRESENTING: Same

SUBJECT: Request a lot area variance for an existing apartment building located at 2440 Price Street in an R-75-m (Single-Family Residential) Zoning District.

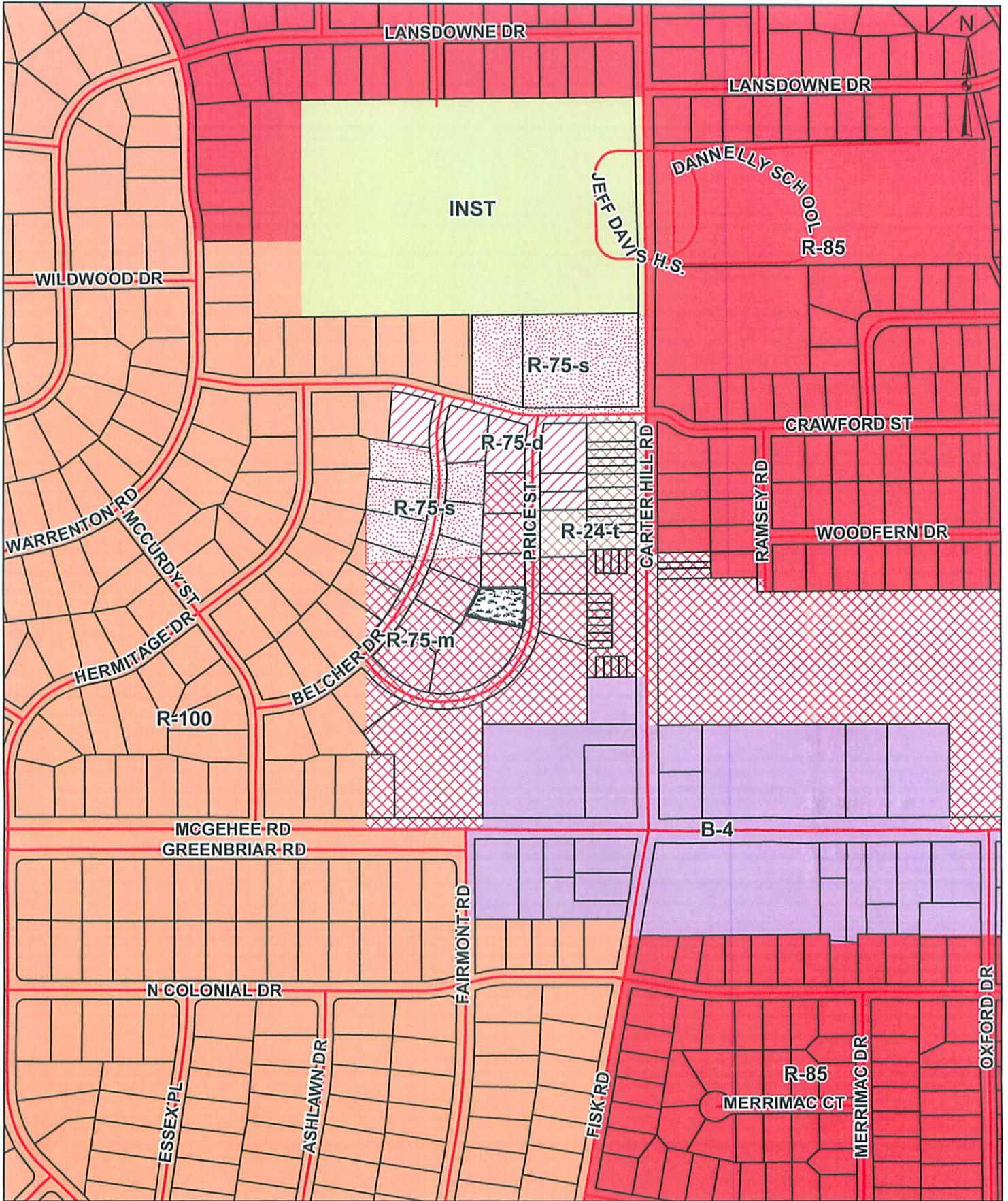
REMARKS: This request is being made to give the petitioner permission to convert two (2) garages to apartments, thus creating a 6 unit apartment building. This lot is 18,295 sq. ft., whereas 22,500 sq. ft. is required for a 6 unit apartment building.

The request is a 4,205 lot area variance.

COUNCIL DISTRICT: 8

COMMENTS _____

ACTION TAKEN: _____

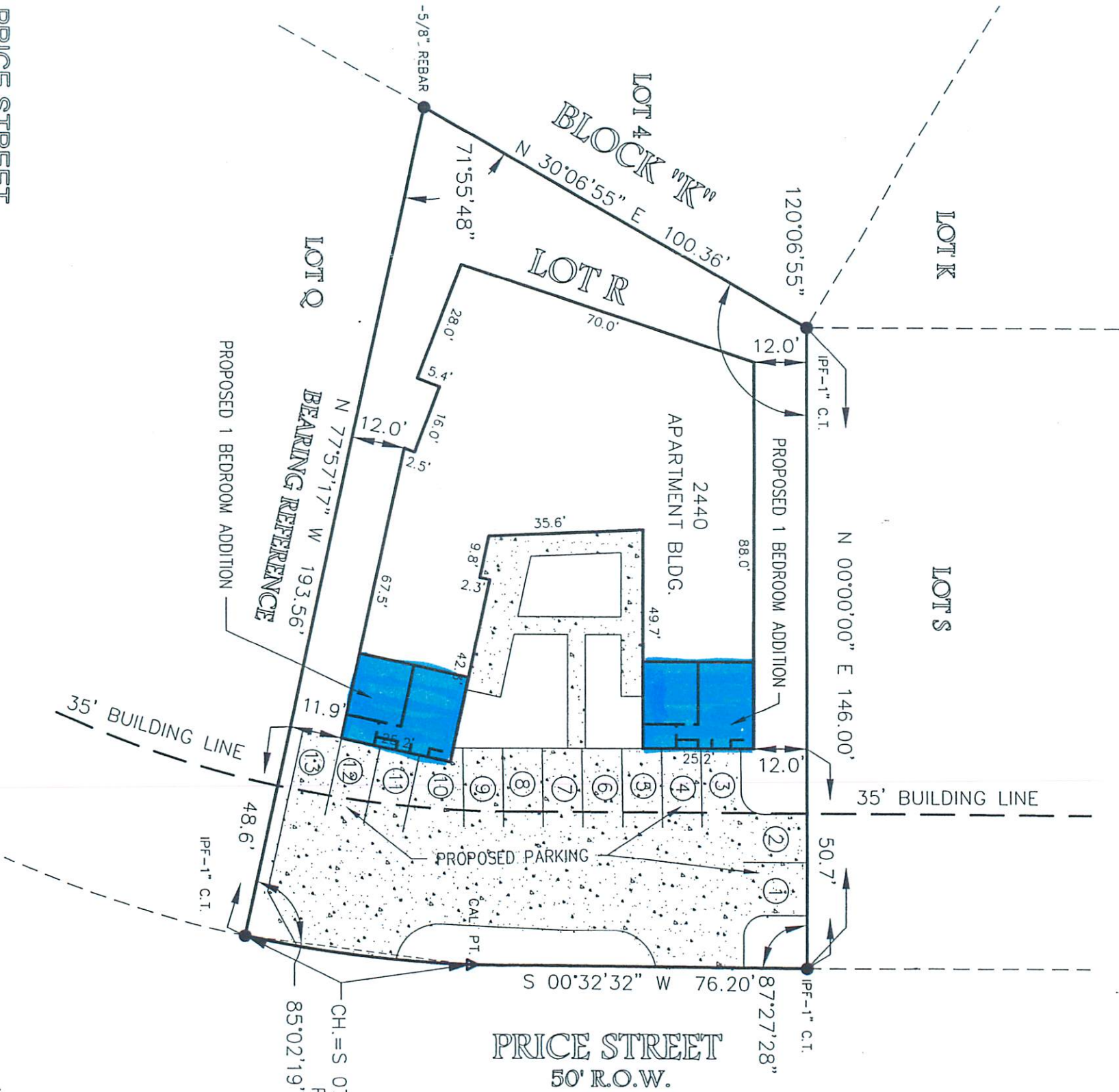


Site Location

1 inch = 400 feet

Item No. 9A

PRICE STREET
TOMMERY, ALABAMA



9B



Site Location 

1 inch = 100 feet

Item No. ac

10. BD-1981-258 **PRESENTED BY:** Branch Communications LLC

REPRESENTING: T-Mobile

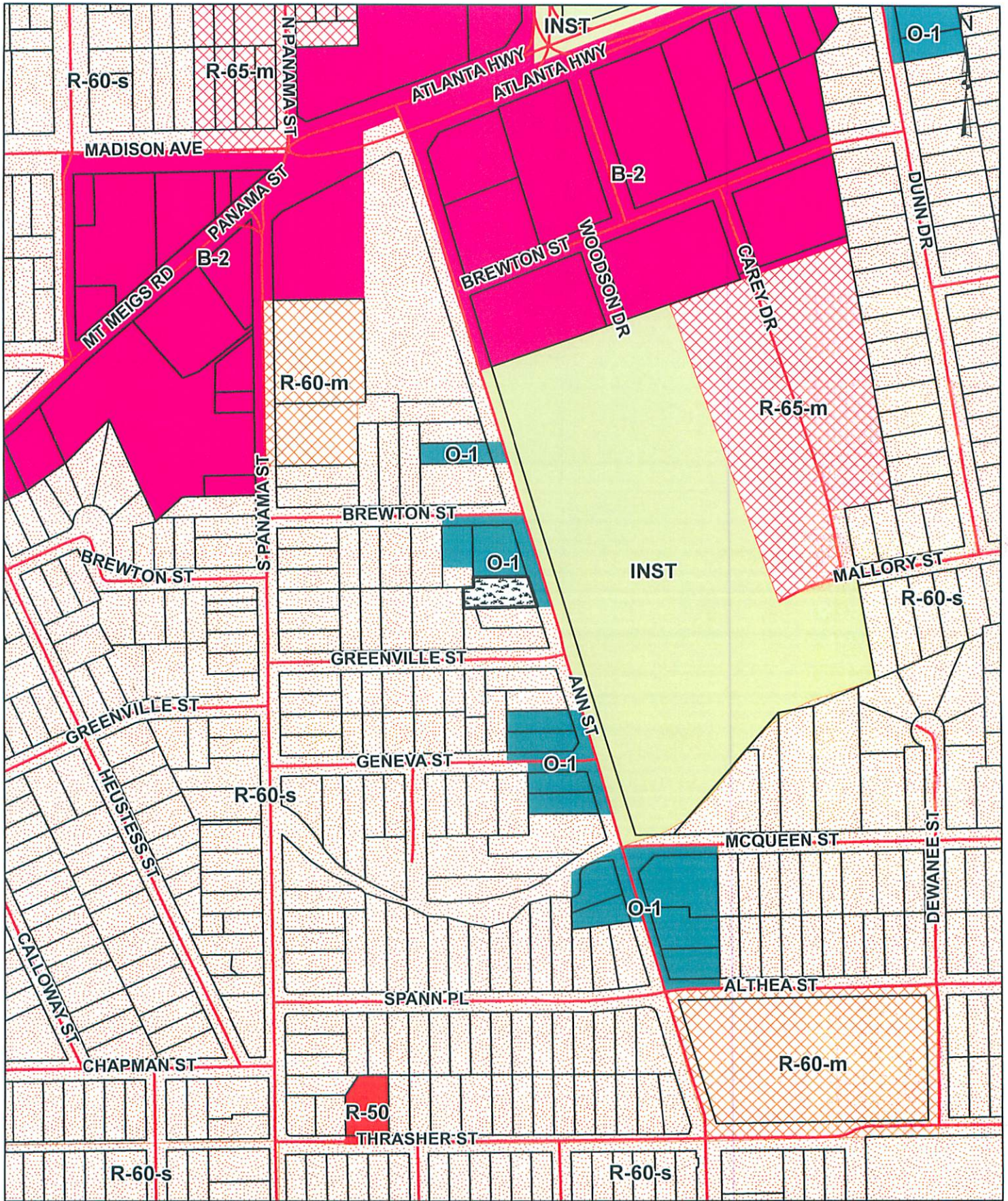
SUBJECT: Request a special exception for a cell tower to be located at 220 Ann Street in an O-1 (Office) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct a 120 ft. monopole cell tower, within a 30 ft. x 35 ft. lease area. A chain link fence with slats will surround the lease area, with landscape screening on the outside of the fence. There is a 10 ft. access/utility easement from the site to Ann Street.

COUNCIL DISTRICT: 3

COMMENTS _____

ACTION TAKEN: _____



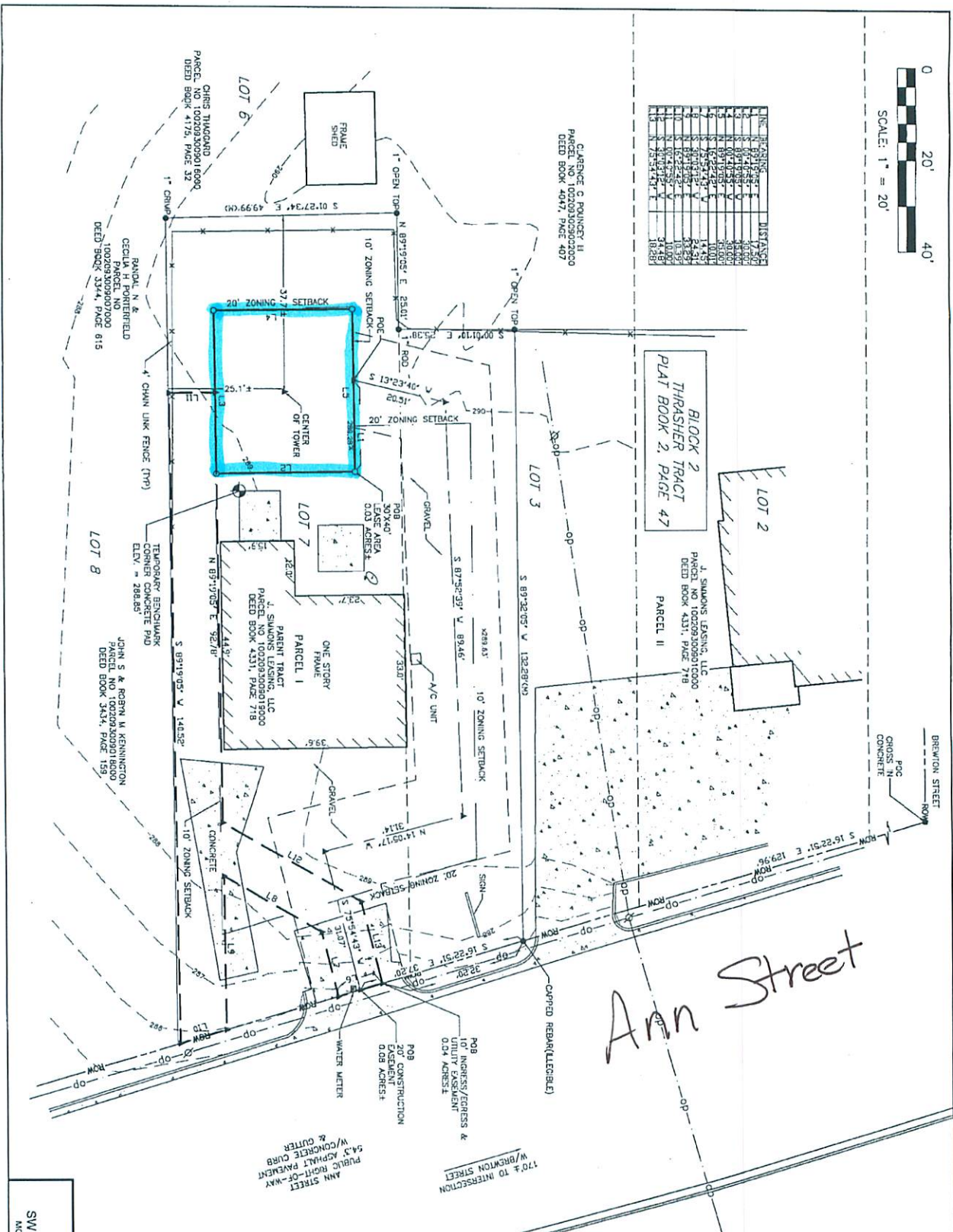
Site Location 

1 inch = 300 feet

Item No. 10A



LINE	BEARING	DISTANCE
1	N 89°19'05" E	17.50'
2	S 01°27'34" E	49.99'
3	N 89°19'05" E	25.00'
4	S 01°27'34" E	49.99'
5	N 89°19'05" E	25.00'
6	S 01°27'34" E	49.99'
7	N 89°19'05" E	25.00'
8	S 01°27'34" E	49.99'
9	N 89°19'05" E	25.00'
10	S 01°27'34" E	49.99'
11	N 89°19'05" E	25.00'
12	S 01°27'34" E	49.99'
13	N 89°19'05" E	25.00'
14	S 01°27'34" E	49.99'
15	N 89°19'05" E	25.00'
16	S 01°27'34" E	49.99'
17	N 89°19'05" E	25.00'
18	S 01°27'34" E	49.99'
19	N 89°19'05" E	25.00'
20	S 01°27'34" E	49.99'



TOWER INFO
 LATITUDE: 32°22'59.630" NORTH
 LONGITUDE: 86°02'22.211" WEST
 GRID M ELEVATION: 289.97'
 ABOVE MEAN SEA LEVEL (MUNROB)



ALABAMA EAST
 GRID TO TRUE NORTH
 -0.714"
 TRUE NORTH TO MAGNETIC
 3.752"
 COMBINED SCALE FACTOR
 0.999991098

- LEGEND**
- = 5/8" REBAR SET
 - = FOUND PROPERTY MARKER
 - POB = POINT OF BEGINNING
 - POC = POINT OF COMMENCEMENT
 - POA = POINT OF ANCHOR
 - = CALCULATED POINT
 - = REFERENCED INFORMATION
 - = LEGISLATED
 - = POWER POLE
 - = GUY ANCHOR
 - = POWER BOX
 - = TELEPHONE FIBER/STAL
 - = OROUNDING ROAD

RIGHT-OF-WAY
 ANN STREET
 54.3' ASPHALT PAVEMENT
 W/CONCRETE CURB
 PUBLIC RIGHT-OF-WAY

FLOOD NOTE
 By precise plotting only, the subject property appears to lie in Zone "X" of the Flood Insurance Rate Map which bears an effective date of February 5, 2014 and IS NOT in a special flood hazard area. It is to be noted that FEMA does not delineate flood plain.

ROBERT ELEE
 AL-0017
 SW 1/4, SEC. 9, T-16-N, R-18-E
 MONTGOMERY COUNTY, ALABAMA

	SMW Engineering Group, Inc. 158 Business Center Drive Birmingham, Alabama 35244 Ph: 205-252-6985 www.smweng.com	RAW LAND TOWER SURVEY BRANCH TOWERS, LLC 1516 SOUTH BOSTON AVE., SUITE 210 TULSA, OK 74119	DRAWN BY: JS CHECKED BY: AAK FIELD ENGINEER: APPROVED BY: UKD DATE: 10/21/14 SCALE: 1" = 20' SHEET 1 OF 2	<table border="1"> <thead> <tr> <th>NO.</th> <th>REVISION</th> <th>DATE</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>ADD UTILITY EASEMENT</td> <td>10/27/14</td> <td>JS</td> </tr> <tr> <td>2.</td> <td>MOVE LEASE, EASEMENTS - COMMENTS</td> <td>10/20/14</td> <td>JS</td> </tr> <tr> <td>3.</td> <td>ADD EASEMENT/COMMENTS</td> <td>10/22/14</td> <td>JS</td> </tr> </tbody> </table>	NO.	REVISION	DATE	BY	1.	ADD UTILITY EASEMENT	10/27/14	JS	2.	MOVE LEASE, EASEMENTS - COMMENTS	10/20/14	JS	3.	ADD EASEMENT/COMMENTS	10/22/14	JS
	NO.	REVISION	DATE	BY																
1.	ADD UTILITY EASEMENT	10/27/14	JS																	
2.	MOVE LEASE, EASEMENTS - COMMENTS	10/20/14	JS																	
3.	ADD EASEMENT/COMMENTS	10/22/14	JS																	
10B																				



Proposed cell tower



GREENVILLE ST

BREWTON ST

ANN ST

Site Location 

1 inch = 50 feet

Item No. 10C

11. BD-2015-020 **PRESENTED BY:** ECE Surveying & Design

REPRESENTING: Grady Hicks, Jr.

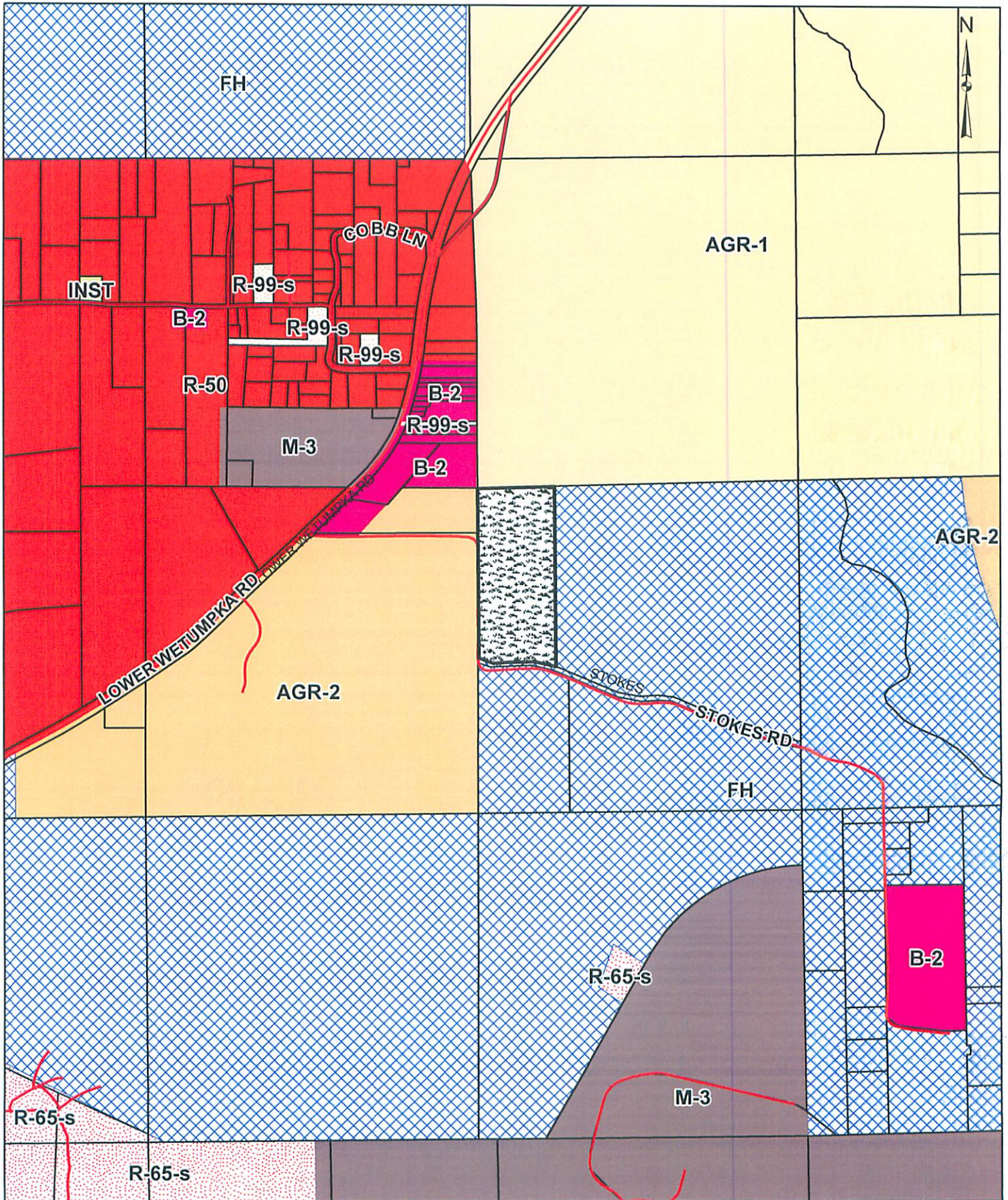
SUBJECT: Request a special exception for an auto salvage yard to be located on the east side of Stokes Road, approximately 1,300 ft. east of Lower Wetumpka Road, in an M-3 (General Industrial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to use a 20 acre parcel along Stokes Road to expand the auto salvage yard that is in operation to the west of this property. The City Council approved to rezone this property on January 20, 2015, for the purpose of expanding the auto salvage yard.

COUNCIL DISTRICT: Police Jurisdiction

COMMENTS _____

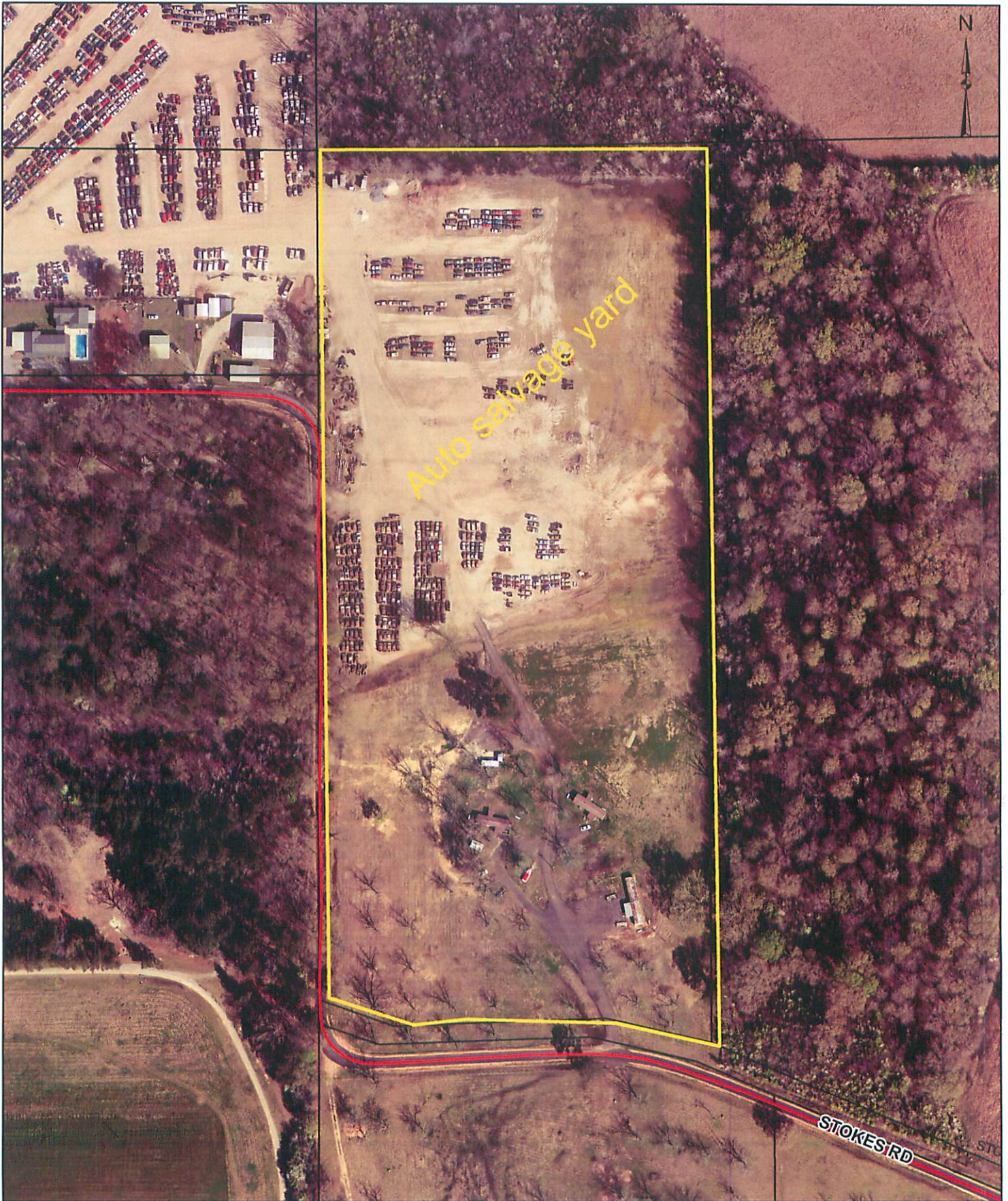
ACTION TAKEN: _____



Site Location 

1 inch = 1,000 feet

Item No. LIA



Site Location 

1 inch = 200 feet

Item No. 11B

12. BD-2015-019 **PRESENTED BY:** Goodwyn, Mills & Cawood

REPRESENTING: Village Green II, LLC

SUBJECT: Request a front yard variance and a rear yard variance for two (2) apartment buildings located at 101 South Burbank Drive in an R-65-m (Multi-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to maintain two (2) buildings that will encroach setbacks once the property is replatted. Building A come within 15.8 ft. of the front property line and 3.3 ft. of the rear property line, whereas 30 ft. is required for both. Building B comes within 4.7 ft. of the front property line and 12.9 ft. of the rear property line, whereas 30 ft. is required for both.

The requests are:

Building A – 14.4 ft. front yard variance and 26.9 ft. rear yard variance.

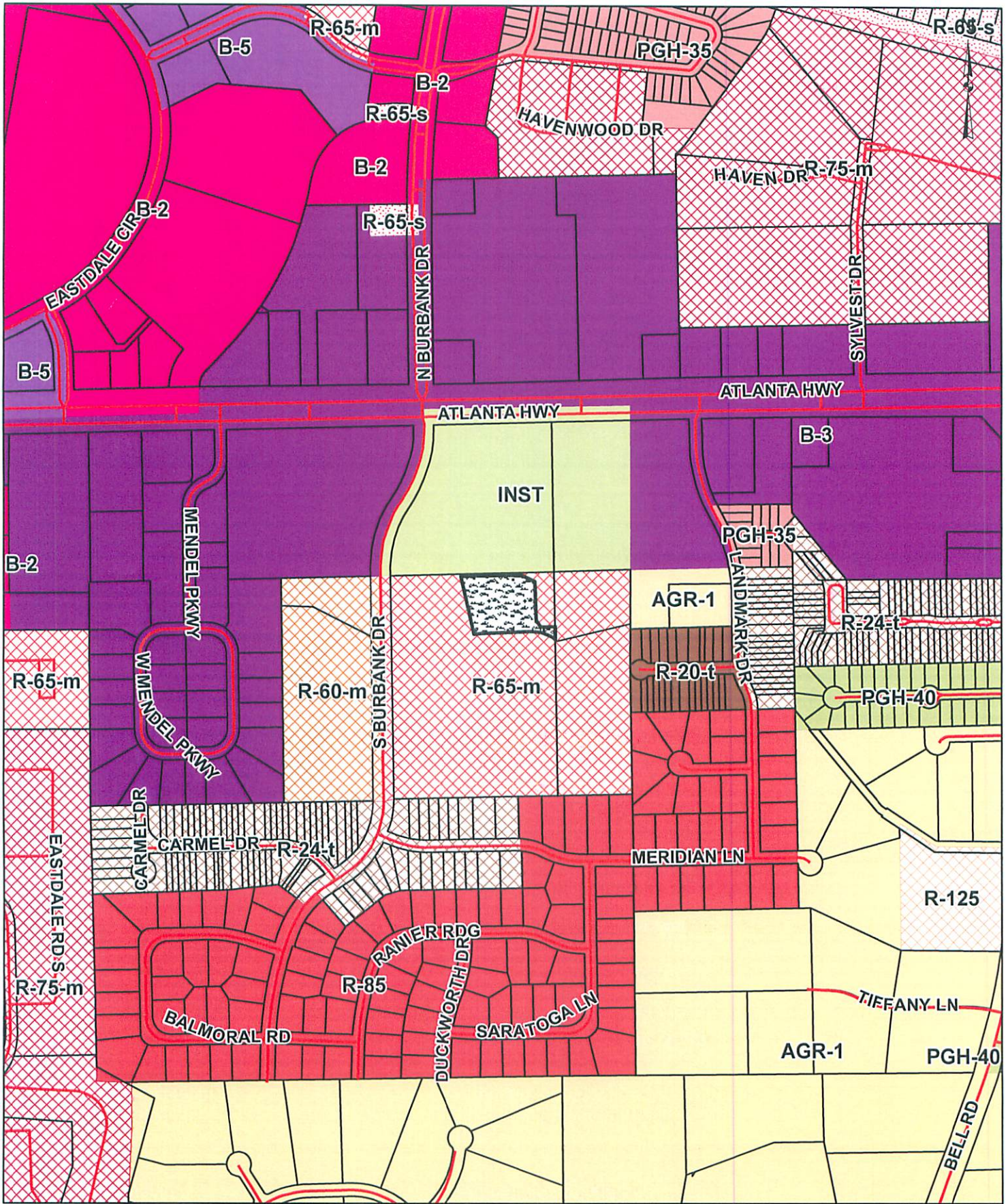
Building B – 25.5 ft. front yard variance and 17.3 ft. rear yard variance.

The petitioner is requesting that the Board consider the necessary variances prior to the plat being recorded, and approved subject to the plat being recorded.

COUNCIL DISTRICT: 9

COMMENTS _____

ACTION TAKEN: _____



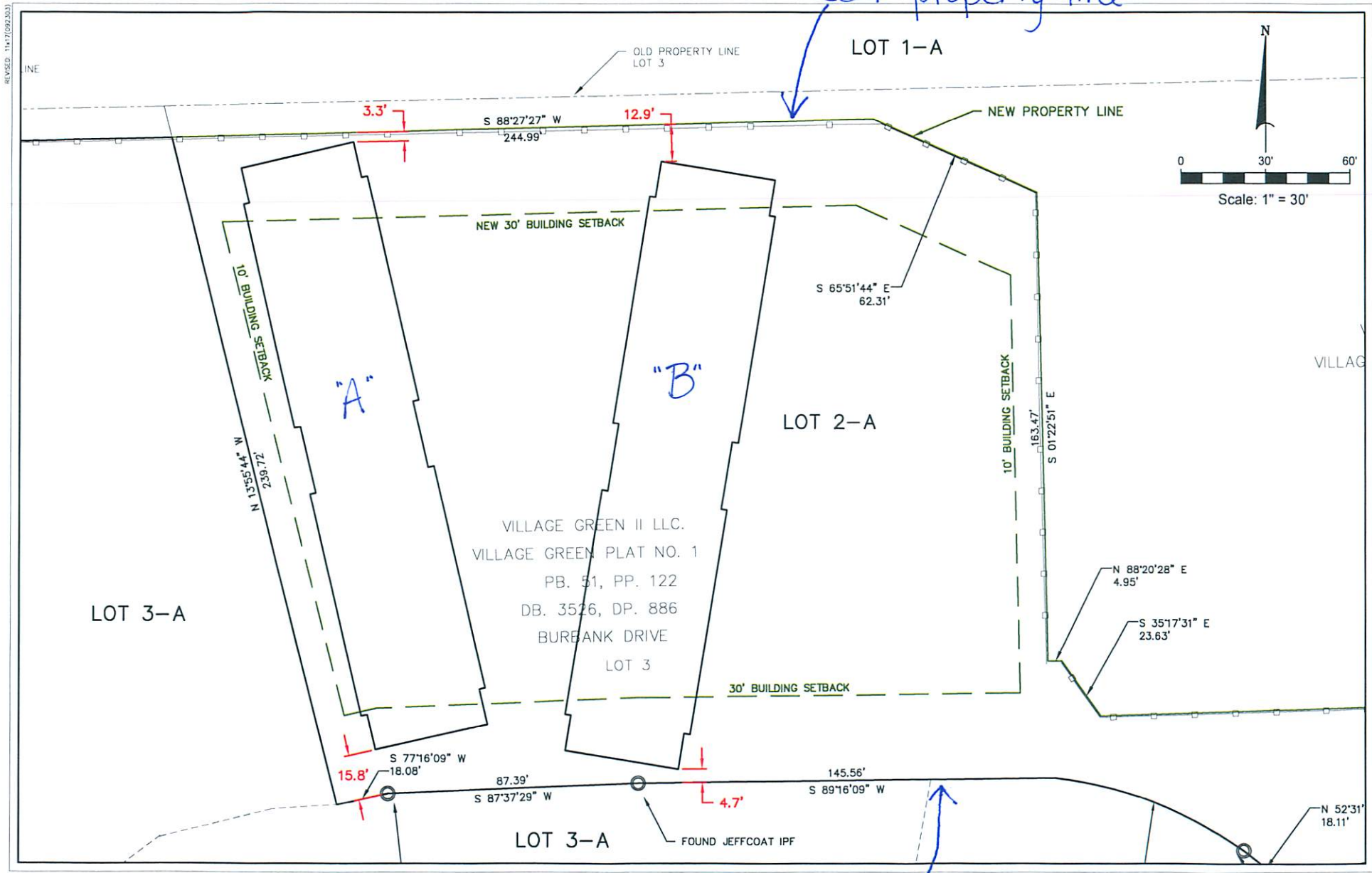
Site Location 

1 inch = 500 feet

Item No. 12A

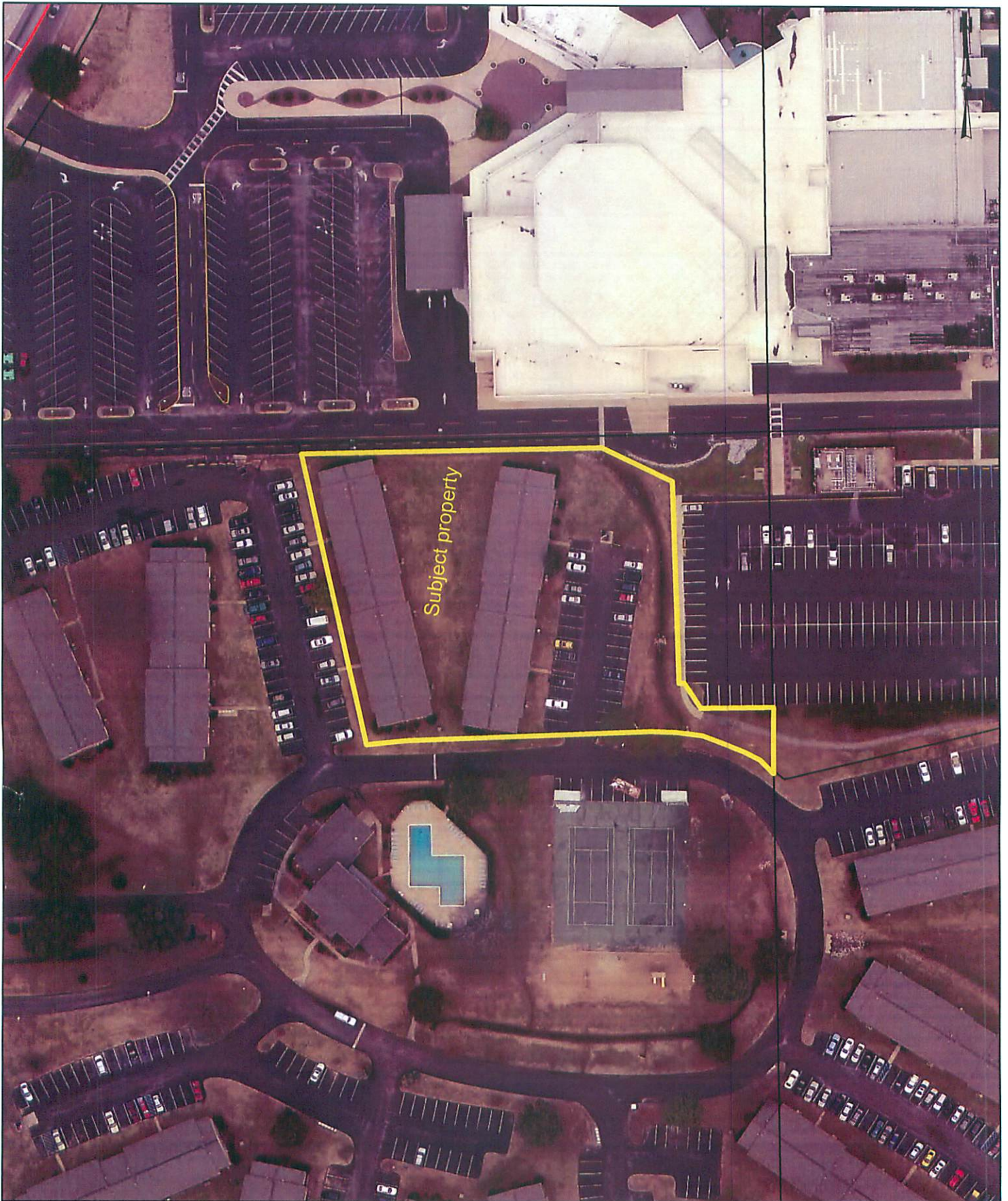
12B

Rear property line



Front property line

REVISED: 11/17/09(2303)



Site Location 

1 inch = 100 feet

Item No. 12C

13. BD- 2015-015 **PRESENTED BY:** Solomon Jallath

REPRESENTING: Same

SUBJECT: Request a side yard variance for a new carport to be located at 567 Farmington Road in an R-75-s (Single-Family Residential) Zoning District.

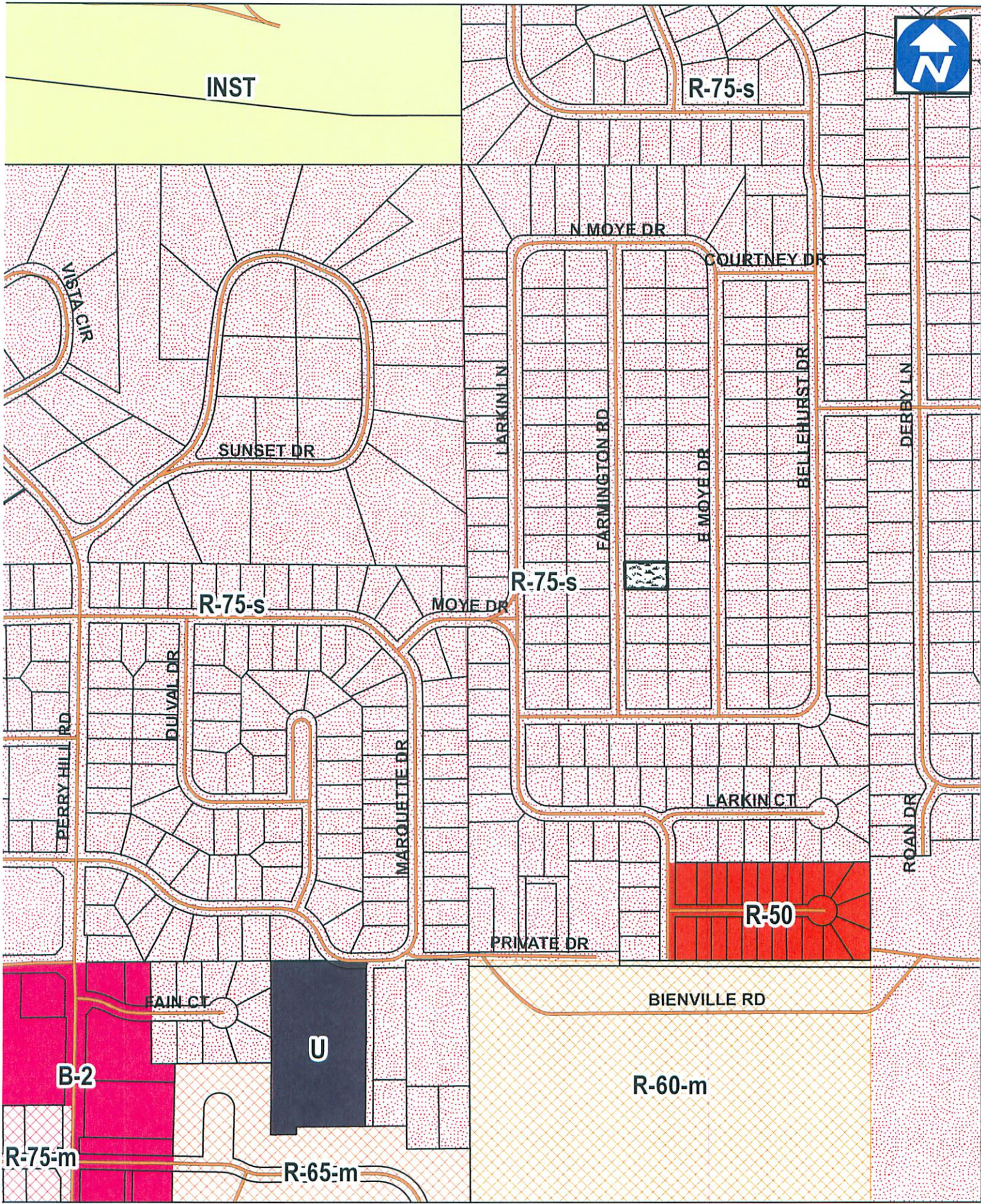
REMARKS: This request is being made to give the petitioner permission to construct a new carport to come to the side property, whereas 10 ft. is required. The petitioner has indicated there will be gutters and downspouts to keep the drainage off the adjoining property.

The request is a 10 ft. side yard variance.

COUNCIL DISTRICT: 1

COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 400 feet

Item 13A



Site Location 

1 inch = 50 feet

Item No. 13B

14. BD-2015-017 **PRESENTED BY:** Edward Anderson

REPRESENTING: Same

SUBJECT: Request a lot area variance for a new duplex to be located at 1825 Crouson Street in an R-65-d (Duplex Residential) Zoning District.

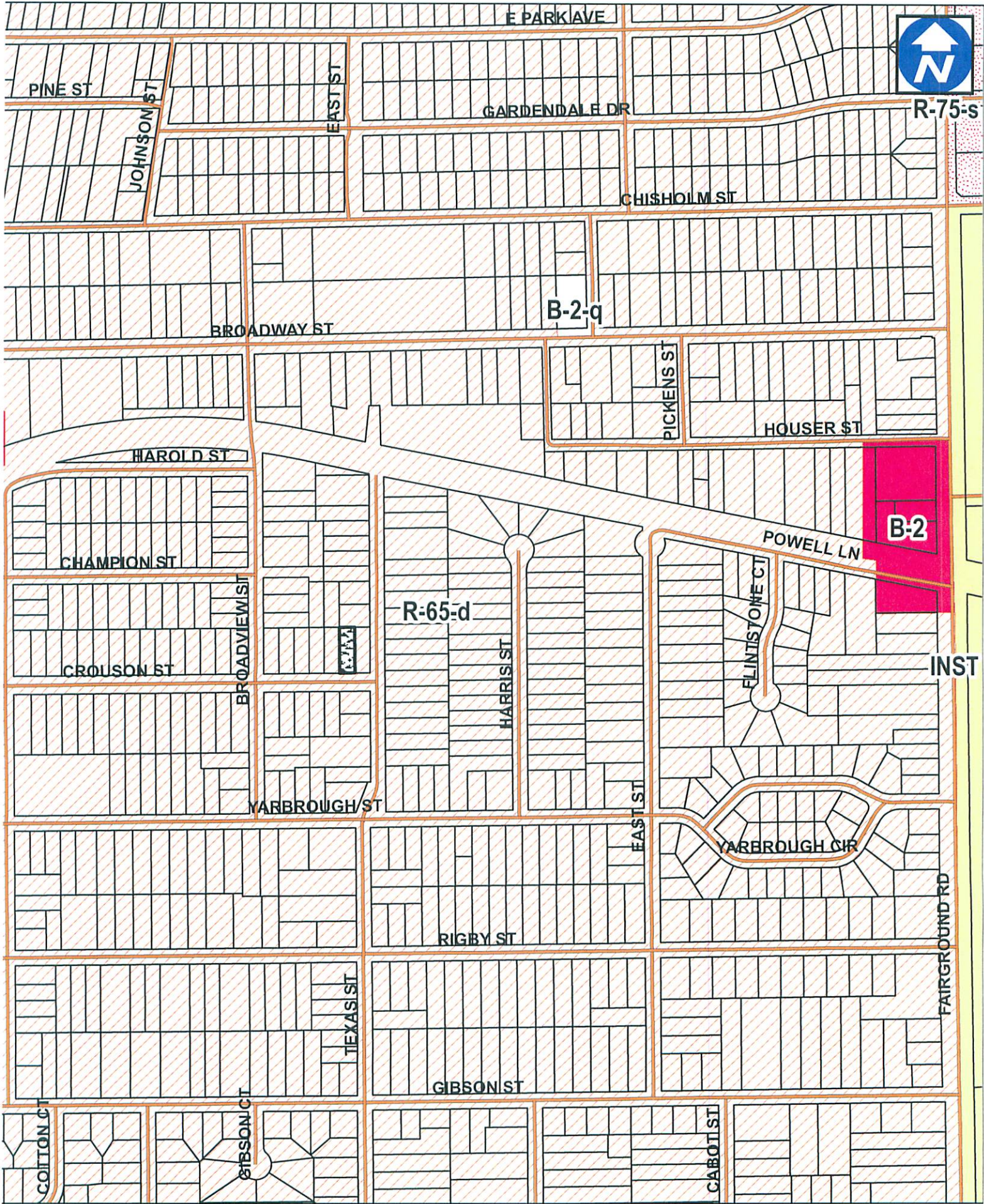
REMARKS: This request is being made to give the petitioner permission to construct a new duplex on a 7,400 sq. ft. lot, whereas 10,400 sq. ft. of area is required. All setbacks will be met.

The request is a 3,000 sq. ft. lot area variance.

COUNCIL DISTRICT: 2

COMMENTS _____

ACTION TAKEN: _____



1 inch = 400 feet

SITE 

Item 14A



Site Location 

1 inch = 30 feet

Item No. 14B

15. BD-2015-022 **PRESENTED BY:** Linda Taylor-Smith

REPRESENTING: Bible Verse Church

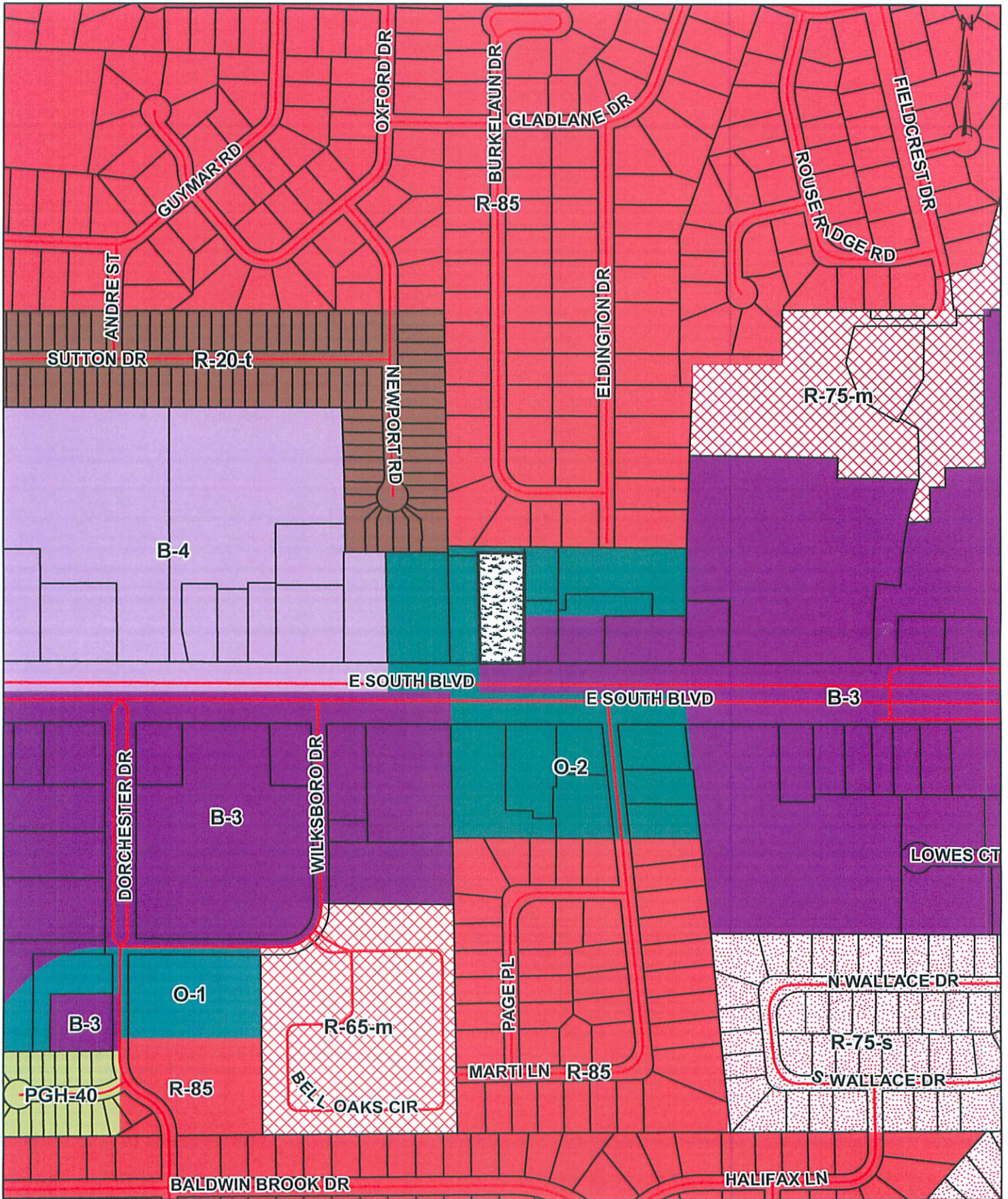
SUBJECT: Request a special exception for church use in a building located at 2601 East South Boulevard in O-2 (Office) and B-3 (Commercial) Zoning Districts.

REMARKS: This request is being made to give the petitioner permission to use an existing building for church use. There are in excess of 35 paved parking spaces onsite, whereas 10 are required for the 50 member congregation. Service Times will be on Sunday, 10:30 a.m. – 12:30 p.m., Wednesday, 6:30 p.m. – 7:30 p.m., Vacation Bible School, two (2) weeks during the summer, special events, and food pantry during the holidays.

COUNCIL DISTRICT: 5

COMMENTS _____

ACTION TAKEN: _____



Site Location

1 inch = 400 feet

Item No. 15A



Site Location 

1 inch = 50 feet

Item No. 15B